

## Chapter 345, LICENSED OCCUPATIONS

[HISTORY: Adopted by the Suffolk County Legislature 7-9-1974 by L.L. No. 21-1974. Amendments noted where applicable.]

### GENERAL REFERENCES

Consumer protection -- See Ch. 249.

Electricians and plumbers -- See Ch. 275.

Food labeling -- See Ch. 301.

Gasoline sales -- See Ch. 313.

Vending and peddling -- See Ch. 475.

### ARTICLE I, Provisions Applicable to All Licenses

#### § 345-1. Legislative findings.

The County Legislature hereby finds and determines that the health, safety and general welfare of the consumers of Suffolk County will be enhanced if provision is made for the licensing of persons engaged in the occupations regulated by this chapter.

#### § 345-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BUSINESS** -- Includes occupation, profession, trade, craft or any other calling for hire.

**CONTRACT** -- An oral or written agreement contained in one or more documents for the performance of work and includes all labor, goods and services.

**DIRECTOR** -- The Director of Consumer Affairs. [Amended 12-17-2002 by L.L. No. 4-2003EN]

**ENGAGES** -- The undertaking, offering to undertake, solicitation or agreement to perform a contract.

**LICENSEE** -- A person permitted to engage in a business licensed pursuant to the provisions of the appropriate article of this chapter.

**OFFICE** -- The Officer of Consumer Affairs. [Amended 12-17-2002 by L.L. No. 4-2003EN]

**PERSON** -- Includes the definition contained in § 37 of the General Construction Law of the State of New York, as well as an individual, partnership or other entity.

**TEMPORARY LICENSE** -- A license issued to a person for a period of time to perform work in accordance with the conditions as specified by the Director,

provided that the holder thereof pays the required license fee. [Amended 12-17-2002 by L.L. No. 4-2003EN]

§ 345-3. License required; provisions of other legislation not affected.

A. It is unlawful for any person, other than those exempt under the provisions of § 345-4, to engage in any business in the county regulated by this chapter without obtaining a license therefor from the Office in accordance with and subject to the provisions of this chapter. [Amended 12-17-2002 by L.L. No. 4-2003EN]

B. A license issued pursuant to this chapter may not be construed to authorize the licensee to perform any work or engage in any business which is reserved to qualified licensees under separate provisions of state or local law or subsequent articles of this chapter.

§ 345-4. Exempted operations.

The provisions of this chapter shall not apply to:

A. Employees of and on behalf of any federal, state or local government or any agencies thereof.

B. Employees of and on behalf of any gas or electric corporation, waterworks corporation or telegraph and telephone corporation.

C. Maintenance work by bona fide employees in an industrial, commercial, institutional or other such establishment within the building or property limits of the employer unless provided otherwise pursuant to this chapter or regulations promulgated hereunder.

§ 345-5. Application procedure; information required; qualifications; issuance of license.

A. All applications for licenses shall be submitted in writing on forms furnished by the office and shall be accompanied by a nonrefundable application fee in the amount set forth in the appropriate article of this chapter. [Amended 6-21-1994 by L.L. No. 13-1994]

B. The license application shall be filed by an actual owner or partner of a business and shall be signed under oath. Where a corporation is an applicant or a participant in an application, the application shall be signed under oath by an officer of such corporation.

C. All applications shall include the residence address of the individual who subscribes his name to the application.

D. The Director may require the names and residence addresses of any employees or officers of the applicant, in addition to any other information which he may deem advisable and proper. [Amended 12-17-2002 by L.L. No. 4-2003EN]

E. An individual applicant must be at least 18 years of age, of good character and financially responsible.

F. The Director shall investigate such applicant as to good character before he shall issue the applicant a license. [Amended 12-17-2002 by L.L. No. 4-2003EN]

G. Applicants shall meet such further qualifications as may be prescribed by this article and any other appropriate article of this chapter.

H. The Office shall issue a license or temporary license to each applicant who has submitted satisfactory evidence of his qualifications and who has complied with all of the requirements of this article and any other appropriate article of this chapter. [Amended 12-17-2002 by L.L. No. 4-2003EN]

I. No applicant for a license or license renewal shall have any outstanding judgment for child support against him or her, or be in arrears in child support payments as determined by official court records or official government records, at the time an application is filed for such license or license renewal. If an applicant has such a judgment against him or her, or is in such arrears, but is current in payments on a judicially approved, or Child Support Enforcement Bureau-sanctioned, payment schedule to pay off or reduce such judgment or arrears, then such individual shall not be deemed ineligible for a license or license renewal on the grounds of such judgment or arrears. At least 30 days prior to the expiration of a license, the Office shall send a written notice to a licensee informing said licensee of his or her obligation to comply with the provisions of this section pertaining to compliance with child-support obligations. If necessary, a second written notice shall be sent by the Office to a licensee 60 days after the license has lapsed informing said licensee of his or her obligation to comply with the provisions of this section pertaining to compliance of the child support obligations. In addition, the County Department of Social Services, through its Child Support Enforcement Bureau, shall notify all current noncustodial parents of the obligations contained herein. [Added 6-21-1994 by L.L. No. 13-1994; amended 6-6-2000 by L.L. No. 11-2000]

NOTE: Local Law No. 11-2000 also provided as follows:

### Section 1. Legislative intent.

This Legislature hereby finds and determines that Chapter 275 and Chapter 345 of the Suffolk County Code currently prohibit Suffolk County from granting occupational license renewals for anyone in arrears on child support payments, as adopted by Local Law 13-1994.

This Legislature further finds and determines that Local Law 5-1996 added a reference to the Suffolk County Child Support Enforcement Bureau (CSEB) to include its role in working out payment schedules for judgments of debtors in arrears for child-support payments, as it pertains to plumbers and electricians.

Therefore, the purpose of this law is to:

- (1) Extend the CSEB role to all occupational license renewals issued by the County of Suffolk.
- (2) Extend the penalties on occupational license renewals for individuals in arrears on child support payments to include professional solicitors, septic industry businesses, commercial and industrial painting businesses, home furnishings businesses and dry-cleaning establishments.
- (3) Extend the ban on occupational licensing renewals for deadbeat parents to dry cleaning establishments.
- (4) Extend the ban on occupational license renewals for deadbeat parents to the initial license application for all Suffolk County occupational licenses.

### Section 3. Applicability.

This law shall apply to any applications for licenses or license renewals filed on or after the effective date of this law.

J. All license applications or renewals shall include a Federal Tax Identification Number or New York State Sales Tax Identification Number, as applicable. If such information is not provided, a license will not be issued.  
[Added 9-8-1995 by L.L. No. 31-1995]

NOTE: Local Law No. 31-1995 also provided as follows:

## Section 1. Legislative intent.

This Legislature hereby finds that Suffolk County Office of Citizen Affairs in the County Executive's Office is responsible for the issuance of licenses to any applicant desiring to engage in a business as a licensed occupation in the county on forms provided by this office.

This Legislature further finds and determines that it is prudent and in the best interest of Suffolk County and its taxpayers to require licensed applicants to provide sales tax information on written applications in order to have all applicable businesses properly registered for sales tax collection.

Therefore, the purpose of this law is to provide Suffolk County and its taxpayers the collection of all possible sales tax revenue by licensed applicants operating in Suffolk County.

## Section 3. Effective date.

This law shall not take effect until at least 60 days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within 60 days after its adoption there is filed with the Clerk of the County Legislature or Clerk of the county a petition protesting against such law in conformity with the provisions of § 34, Subdivision 4, of the Municipal Home Rule Law, and upon filing in the Office of the Secretary of State.

§ 345-6. Term of licenses; renewal; conditions; display required. [Amended 12-22-1987 by L.L. No. 1-1988; 6-6-1989 by L.L. No. 19-1989; 12-17-2002 by L.L. No. 4-2003EN]

A. All licenses, except temporary licenses, shall be for a period of two years from the date of issuance thereof at the discretion of the Office and shall expire on the last day of the 24th month of such issuance. Subsequent renewals shall be for periods of two years.

B. No license issued hereunder shall be assignable or transferable.

C. Failure to make application and pay the required annual fee for a license renewal prior to the expiration date of said license shall render the license null and void on the expiration date. Compliance with the provisions of this subsection shall entitle the licensee to the renewal of his license, provided that such license has not been suspended or revoked by the Director prior to the expiration date.

D. If an individual licensee enters the Armed Forces of the United States, his license shall continue in force after the date of his entrance into the Armed Forces until six months after the date of termination of his first enlistment. If such licensee does not apply for renewal within this period, his license shall terminate without any notice or action by the Office.

E. The death of an individual who holds a valid license issued pursuant to this chapter shall terminate such license.

F. A license issued in the name of an individual may be assigned or transferred for the remainder of the license period to a partnership, corporation or other entity, provided that the individual holding such license is a general partner of such partnership, the owner of not less than 25% of the outstanding voting shares of such corporation or the holder of not less than a twenty-five-percent interest in any other entity at the time of the assignment or transfer. The application for such transfer or assignment must be accompanied by evidence satisfactory to the Director that the above set forth requirements have been satisfied. No assignment or transfer shall become effective until proper endorsement evidencing said transfer or assignment has been made on the face of the license by the Director and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made by the payment of a fee of \$25.

G. A license issued pursuant to this chapter shall be conspicuously posted in the place of business of the licensee.

H. Each individual licensee shall, within seven business days after a change of control of ownership or of management, apply for the assignment or transfer of a license specified in Subsection F, or such license shall terminate. Every other licensee shall, within seven business days after a change of control in ownership or management, notify the Office in writing of such change.

I. No licensee shall authorize or permit the use of his license by or on behalf of any other person.

J. Each licensee shall, within seven business days after a change of address or trade name, notify the Office, in writing, of such change.

K. A licensee may utilize his license for more than one entity in the same business with the issuance of a supplementary license pursuant to the provisions of § 345-7B, provided that the licensee holds more than a fifty-percent interest in

each additional entity to be so licensed. Evidence satisfactory to the Director must accompany the application for such supplementary license.

L. A licensee who determines not to engage in the business regulated herein may make application to the Office to inactivate temporarily his license issued pursuant to this article for a period not to exceed three years. The licensee will submit with the application for shelving said license a fee of \$50 for each annual period of inactivity sought. Each shelving application shall be considered by the Occupational Licensing Board which has jurisdiction over said license, and the Board shall recommend to the Director such action as it deems appropriate.

§ 345-7. Duplicate and supplementary licenses. [Amended 12-17-2002 by L.L. No. 4-2003EN]

A. A duplicate license may be issued for a license which has been lost, destroyed or mutilated, upon application therefor on a form prescribed by the Director and the payment of a fee of \$25. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

B. A licensee shall attain a supplementary license for each additional place of business maintained by such licensee within the County of Suffolk upon application therefor on a form prescribed by the Director and the payment of a per annum fee of \$50. Each such supplementary license shall have the word "supplementary" stamped across the face thereof, shall bear the same number as the original and shall be conspicuously posted in each additional place of business.

§ 345-8. Effect on validity of contracts.

A contract entered into after one year after the effective date of the appropriate article of this chapter by a person who engages in a business regulated by this chapter, who on the date of the contract does not possess a valid license to engage in such business, is unenforceable by him and voidable at the option of any other party to the contract rendered or to be rendered to such party. Nothing contained herein shall be construed to prevent any other party to the contract from enforcing its terms.

§ 345-9. Fines; suspension or revocation of licenses. [Amended 6-21-1994 by L.L. No. 13-1994EN; 6-6-2000 by L.L. No. 11-2000EN; 10-3-2000 by L.L. No. 27-2000; 12-17-2002 by L.L. No. 4-2003EN]

A. The Director shall have the power to impose a fine not to exceed \$750 for a first violation and \$1,500 for any subsequent violation upon a licensee or to suspend or revoke a license or to deny an application for the renewal of a license for any one or more of the following causes:

- (1) Fraud, deceit, misrepresentation or bribery in securing a license.
- (2) The making of any false statement in an application for a license.
- (3) Violation of any provision of this article, any other appropriate article of this chapter or any rule or regulation promulgated thereunder.
- (4) Violation of any provision of §§ 275-3B(3), 345-17E, 345-28C, 345-36E, or 345-48C of the Suffolk County Code.

NOTE: Local Law No. 27-2000 also provided as follows:

#### Section 1. Legislative intent.

This Legislature hereby finds and determines that recent testimony presented by consumers before the Consumer Affairs Committee of the Suffolk County Legislature demonstrated that many home improvement contractors start jobs, receive payments, then walk away from the premises leaving consumers stranded with unfinished rooms or extensions to their homes.

This Legislature further finds and determines that increased fines are needed as a deterrent to discourage contractors from violating any of Suffolk County's occupational licensing laws, including the Home Improvement Contractor Licensing Law.

Therefore, the purpose of this law is to deter home improvement contractors from committing fraudulent actions by increasing the fine for a first offense, and setting increased fines for subsequent offenses.

#### Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

B. No license shall be suspended or revoked nor a fine imposed until after a hearing has been held before the Director upon at least seven business days' notice to the licensee. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of the licensee and shall state the date and place of the hearing as well as enumerate the grounds constituting the



allegations against such licensee. The licensee may be represented by counsel and may produce witnesses in his own behalf. A record of the hearing shall be taken and preserved. For purposes of such hearing, the Director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records or other documents deemed pertinent to the subject of the hearing.

#### § 345-10. Prohibited acts.

The following acts are prohibited:

- A. Abandonment or willful failure to perform, without justification, any contract engaged in by a licensee.
- B. Willful deviation from or disregard of contract specifications or estimates in any material respect without the consent of the contracting party.
- C. The making of any substantial misrepresentation in the solicitation or procurement of a contract or the making of any false promise likely to influence, persuade or induce.
- D. Directly or indirectly publishing any advertisement relating to goods or services offered by the licensee which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading.
- E. Advertising or purporting to offer the general public any contract with the intent not to accept said contract for the particular work at the price which is advertised to the public.
- F. Conducting a business in any name other than the one for which the licensee holds a license except pursuant to the provisions of § 345-6K.
- G. Failure to comply with the provisions of § 345-6H and J.
- H. Offering, as an inducement to enter into a contract, a promise or offer to pay credit or provide any compensation or reward for the buyer's procurement of a contract with another.

#### § 345-11. Powers of the Director. [Amended 6-27-1975 by L.L. No. 12-1975; 5-10-1983 by L.L. No. 9-1983; 12-17-2002 by L.L. No. 4-2003EN]

A. In addition to the powers and duties elsewhere prescribed in this chapter, the Director shall have the power to:

- (1) Keep records of all licenses issued, suspended or revoked and all fines

adjudged.

(2) Issue temporary licenses as may be necessary.

(3) Promulgate such rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for licenses, reception thereof, investigation of applicants and their qualifications, the conduct, including advertising, of occupations regulated by this chapter and other matters incidental or appropriate to his powers and duties as prescribed by this chapter and for the proper administration and enforcement of the provisions of this chapter; and to amend or repeal any such rules and regulations.

(4) Require any applicant for a home improvement contractor license or a home appliance repair contractor license, or any such licensee, as evidence of financial responsibility, to post a surety bond, in an amount to be set by the Director, if required, but in no event to exceed \$100,000 and/or to furnish certificates of public liability and property damage insurance in the amount of \$100,000 per person, \$300,000 per occurrence, bodily injury, and \$50,000 each occurrence and aggregate, property damage.

(5) Require reasonable information of an applicant or licensee, including the production of books, papers, records and other documents.

B. No rule or regulation may be promulgated pursuant to Subsection A(3) herein unless a public hearing is held by the Director. At least seven business days' prior notice of such public hearing shall be published in the official newspapers of the county. A copy of all rules and regulations promulgated and any amendments thereto shall be filed in the office of the Clerk of the County Legislature.

C. Whenever in this chapter the Director is empowered to or charged with the responsibility to do or perform any act, he may deputize, in writing, any officer or employee of the Office to do or perform the act in his place and stead.

D. Disposition of moneys received. All fees received by the Office pursuant to the provisions of this chapter shall be remitted to the County Treasurer for deposit in the general fund of the county within 30 days after they are received.

E. Liability for damage. This chapter shall not be construed to relieve from or lessen the responsibility of any person licensed under the provisions hereof for any loss of life or damage to person or property, nor shall the County of Suffolk

be deemed to have assumed any such liability by reason of the issuance of any license.

§ 345-12. Penalties for offenses. [Amended 7-2-2004 by L.L. No. 22-2004EN]

Any person who shall conduct a business licensed by this chapter without obtaining a license therefor or, having had a valid license which has been suspended or revoked, shall continue to engage in such licensed business shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$5,000 or imprisonment for not more than one year, or both. Each such violation shall be deemed a separate offense.

§ 345-13. Injunctive relief. [Amended 12-17-2002 by L.L. No. 4-2003EN]

Upon application of the Director, the County Attorney or the District Attorney may commence an action in the name of the county to restrain, prevent and enjoin a violation of this chapter or any rule or regulation promulgated hereunder or any continuance of such violation.

§ 345-14. Effect on existing licenses.

A license issued by any governmental agency prior to the effective date of the appropriate article of this chapter shall continue to remain in full force and effect until its expiration or termination unless sooner revoked or suspended for cause.

§ 345-15. Review of administrative determinations. [Amended 12-17-2002 by L.L. No. 4-2003EN]

The action of the Director in adjudging fines or suspending, revoking or refusing to issue or renew a license may be reviewed by a proceeding brought under and pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

ARTICLE II, Home Improvement ContractorsEN

§ 345-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ESTABLISHMENT -- Any shop, residence, place or premises from which a home improvement contracting business is transacted.

FINANCIAL RESPONSIBILITY -- Knowledge of the extent of liability and risks to which home improvement contractors expose themselves when accepting a home improvement license in Suffolk County, including knowledge as to the need to furnish certificates of public liability and property damage, insurance, as well as proof of worker's compensation, if required by law, and fees for the license.

[Added 7-8-1986 by L.L. No. 19-1986]

**HOME IMPROVEMENT CONTRACTING** -- Excluding work in the electrical and plumbing fields as defined by § 275-2 of the Suffolk County Code, any repair, remodeling, alteration, conversion, modernization, improvement or addition to residential property, and includes but is not limited to alarm systems; carpentry; fencing; driveways; exterminating; flooring; heating, ventilation and air-conditioning systems; masonry; roofing; siding; swimming pools; and waterproofing, as well as other improvements to structures or upon land which is part of residential property, including landscaping and arboriculture, which is used herein shall mean tree sprayers, tree pruners, tree stump removers and all other tree services; but shall not include the construction of a new home or work done by a contractor in compliance with a guaranty of completion on new residential property or the sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation of or application of the goods or improvements to residences owned by or controlled by any government subdivision. [Amended 5-10-1983 by L.L. No. 10-1983; 9-22-1987 by L.L. No. 38-1987; 10-23-1990 by L.L. No. 37-1990; 12-15-1998 by L.L. No. 2-1999]

NOTE: Local Law No. 37-1990 also provided as follows:

Section 1. Legislative intent.

This Legislature finds that Local Law No. 34-1987 created the Licensed Home Improvement Contractor Restitution Fund from fees assessed to home improvement contractors, in order to pay consumers who are unable to collect on judgments that they obtain against home improvement contractors.

This Legislature further finds that it is necessary to clarify the procedures and requirements for payment from the Resolution Fund so that the original intent of this law can be carried out to the fullest extent possible by the Department of Consumer Affairs. [Editor's Note: The term "Department" was changed to "Office" 12-17-2002 by L.L. No. 4-2003.]

NOTE: Local Law No. 2-1999 also provided as follows:

Section 1. Legislative intent.

This Legislature hereby finds and determines that due to amendments to other Sections of the Suffolk County Code, parts of the definition of "home

improvement contracting" as used in §§ 345-16 and 346-1 is unnecessary and sometimes duplicative. This Legislature further finds and determines that the current Restitution Fund fee for home improvement contractors is inadequate. This Legislature further finds and determines that an increase in such fee would have a positive fiscal impact on the County of Suffolk insofar as if no action is taken, the Restitution Fund will have a zero balance early in the year 2000. Therefore, the purpose of this law is to amend §§ 345-16 and 346-1 to clarify the definitions of the sections and to amend § 346-2 of the Suffolk County Code in relation to the present fee level in order to avoid the possibility of a zero balance. Section 5. Effective date.

This law shall take effect immediately upon filing with the Secretary of State or January 1, 1999, whichever is later.

**HOME IMPROVEMENT CONTRACTOR** -- A person who engages in home improvement contracting upon residential property.

**HOME MAINTENANCE** -- The keeping in a state of repair or efficiency residential property, as defined herein. Such work shall not include alteration of or additions to the original design or function of the residence and shall be limited to the simple repair of existing facilities and systems. For the purpose of this article, "home maintenance" work shall be considered minor, casual and inconsequential in nature when performed in connection with the seasonal opening and closing of residences. [Added 6-27-1975 by L.L. No. 12-1975]

**OWNER** -- Any owner of residential property, tenant or any other person who contracts for the services of a home improvement contractor or the person entitled to performance of the work of a home improvement contractor pursuant to a contract.

**RESIDENTIAL PROPERTY** -- One- or two-family houses and property associated therewith.

**SALESMAN** -- Any individual who negotiates or offers to negotiate a contract for a home improvement contractor with an owner or solicits or otherwise endeavors to procure a contract from an owner on behalf of a home improvement contractor, whether or not such individual is an employee of the home improvement contractor.

§ 345-17. License required. [Amended 7-8-1986 by L.L. No. 19-1986]

A. It is unlawful for any person to engage in any business as a home improvement contractor without obtaining a license therefor from the office in accordance with and subject to the provisions of this article and Article I. Every licensee shall maintain an establishment within the State of New York. [Amended 6-21-1994 by L.L. No. 13-1994]

B. An individual applicant shall demonstrate to the satisfaction of the Director or his designee a basic understanding of the financial responsibility incurred by such licensing as evidenced by a written test administered by the Office to verify the applicant's knowledge of the requirements, terms and conditions of this chapter. [Amended 12-17-2002 by L.L. No. 4-2003EN]

C. All certificates of public liability and property damage insurance and workers' compensation shall be furnished to the Office by the applicant prior to the initial issuance of the license or at any time there is a change in insurance carrier. At the time of the annual license renewal, a sworn affidavit shall be required stating that all insurance is in effect or a certificate of insurance filed. [Amended 12-17-2002 by L.L. No. 4-2003EN]

D. All advertising for home improvement contracting shall contain the number of the home improvement license issued pursuant to this chapter.

E. The Suffolk County Department of Health Services, in conjunction with the County Division of Vector Control, shall develop a three-hour course, certified by the Suffolk County Office of Consumer Affairs after approval by the Community Advisory Committee established pursuant to § 380-5 of the Suffolk County Code, to provide training in the use of nonpesticide procedures and the least toxic pesticide use under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). The course shall be available to pesticide applicators certified by the NYS DEC to use or supervise the use of pesticides in the State of New York, people who are working under the supervision of certified applicator, or those who do not use pesticides as defined by FIFRA, but are licensed through the Home Improvement Division of the Suffolk County Office of Consumer Affairs. Any landscaper successfully completing this course shall be issued a certificate by the County Office of Consumer Affairs stating "I'm Organically Trained." [Added 9-12-2000 by L.L. No. 25-2000EN]

NOTE: Local Law No. 25-2000 also provided as follows:

## Section 1. Legislative intent.

This Legislature hereby finds and determines that landscapers licensed under the Home Improvement contracting provisions of Chapter 345, Article II, of the Suffolk County Code contribute to the intensive use of pesticides in Suffolk County without the full opportunity for consumers to make informed decisions regarding such applications.

This Legislature further finds and determines that 1.5 million pounds of pesticides are dispersed each year within the County of Suffolk which has a population of approximately 1.4 million people, meaning that over one pound of pesticides per citizen is dispersed into the vulnerable groundwater of Suffolk County residents each year without the full opportunity for consumers to make informed decisions after conferring with knowledgeable contractors.

Therefore, the purpose of this law is to help educate consumers as to the potential for over-utilization of pesticides by landscapers through the introduction of a voluntary training program in alternatives to pesticide use.

## Section 3. Applicability.

This law shall apply to all applications for licenses or license renewals made on or after the effective date of this law.

F. No applicant for a license renewal shall have any outstanding judgment for child support against him or her, or be in arrears in child support payments as determined by official court records or official government records, at the time an application is filed for such license renewal. If an applicant has such a judgment against him or her, or is in such arrears, but is current in payments on a judicially approved payment schedule to pay off or reduce such judgment or arrears, then such individual shall not be deemed ineligible for a license renewal on the grounds of such judgment or arrears. At least 30 days prior to the expiration of a license, the Office shall send a written notice to a licensee informing said licensee of his or her obligation to comply with the provisions of this article pertaining to compliance with child-support obligations. If necessary, a second written notice shall be sent by the Office to a licensee 60 days after the license has lapsed informing said licensee of his or her obligation to comply with the provisions of this section pertaining to compliance of the child-support obligations. In addition, the County Department of Social Services, through its Child Support Enforcement

Bureau, shall notify all current noncustodial parents of the obligations contained herein. [Added 6-21-1994 by L.L. No. 13-1994EN; amended 6-6-2000 by L.L. No. 11-2000EN; 9-12-2000 by L.L. No. 25-2000EN]

§ 345-18. Identification cards.

A. It is unlawful for any salesman, other than the individual who subscribes his name to the application for a home improvement contracting license pursuant to the provisions of § 345-5, to engage in any business on behalf of a home improvement contractor without obtaining an identification card from the Office, subject to and in accordance with the provisions of this article and Article I. A salesman shall obtain an identification card for each licensed home improvement contracting business for which he is engaged. [Amended 12-17-2002 by L.L. No. 4-2003EN]

B. No identification card shall be issued unless a valid home improvement contracting license has been issued to the home improvement contractor on whose behalf such salesman is engaged.

C. A transfer on assignment of a license pursuant to the provisions of § 345-6F shall be deemed to transfer or assign without charge the identification cards of salesmen engaged by the original licensee.

D. The provisions of § 345-6K shall be inapplicable to salesmen.

§ 345-19. Fees. [Amended 6-27-1975 by L.L. No. 12-1975; 6-6-1989 by L.L. No. 19-1989; 11-30-2001 by L.L. No. 23-2001; 12-17-2002 by L.L. No. 4-2003EN]

A. An application fee of \$25 shall accompany each application for a home improvement contracting license.

B. The fee for a home improvement contracting license or renewal thereof shall be \$200 per annum.

C. The fee for an identification card or renewal thereof shall be \$50 per annum for each salesman. No fee shall be charged for an application for a salesman's identification card.

D. The fee for additional identification cards issued to a salesman who is engaged for more than one licensee shall be \$50 per annum for each additional card and for renewal thereof.

E. The license fee for an applicant qualifying under the provisions of § 345-24 shall be 1/2 of the fee as set forth in Subsection B of this section.

§ 345-20. Suspension or revocation of identification cards.



- A. An identification card issued to a salesman may be suspended or revoked in the same manner as a license may be suspended or revoked pursuant to this chapter.
- B. The provisions of § 345-9 with respect to fines shall be inapplicable to salesmen.
- C. The acts of a salesman carried out in the ordinary course of business shall be deemed to be the acts of the licensee, and such licensee shall be responsible for such acts pursuant to the provisions of this article and Article I.
- D. The suspension or revocation of a home improvement contracting license shall automatically suspend or revoke all identification cards issued to salesmen engaged by such licensee.

§ 345-21. Prohibited acts.

The following acts are prohibited:

- A. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or any document incident to a transaction.
- B. Preparing or executing any mortgage, promissory note or other evidence of indebtedness upon the obligation of the transaction with knowledge that it represents a greater monetary obligation than the agreed consideration for work performed.
- C. Failure to enter into a written contract for work to be performed which specifies starting and completion dates, description of costs of labor and materials.
- D. Willful or deliberate disregard in the violation of government building, sanitary, fire and health laws of the state or any political subdivision thereof in which the work is performed.

§ 345-22. Temporary license pending issuance of permanent license. [Amended 11-30-2001 by L.L. No. 23-2001EN; 12-17-2002 by L.L. No. 4-2003EN]

- A. The Office shall issue a temporary license to any applicant for a home improvement contracting license if the Office has not, within 30 days after receipt of the application for such license, approved or disapproved the application.
- B. The temporary license shall be for a period of 90 days. If within such ninety-day period the Office shall have failed to approve or disapprove the application, the Office shall then issue a regular license to the applicant. If the application is approved during the term of the temporary license, the Office shall issue a regular license to the applicant.

C. The fee for a temporary license shall be \$50 per annum. The fee for a regular license issued to replace a temporary license shall be \$150 for the first full year.

D. A regular license issued pursuant to the provisions of Subsection B shall expire on the last day of the 24th month following the issuance of the temporary license.

#### § 345-23. Exempted operations.

No license or identification card shall be required of:

A. An employee, other than a salesman or a person acting as a salesman, who performs labor or services for a licensed home improvement contractor for wages or salary.

B. An architect, professional engineer or any other person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in such profession and who is acting exclusively within the scope of the profession for which he is currently licensed pursuant to such other law. Issuance of a certificate of competency by any other federal, state or municipal agency shall not constitute a license issuance and all such contractors holding such certificates shall be subject to this article. [Amended 7-22-1975 by L.L. No. 15-1975]

C. A contractor engaged in the field of home maintenance or decorating. [Amended 7-22-1975 by L.L. No. 15-1975; 5-10-1983 by L.L. No. 10-1983; 9-22-1987 by L.L. No. 38-1987]

D. Any retail clerk, clerical, administrative or other employee of a licensed home improvement contractor who transacts business from an establishment.

#### § 345-24. Reduced license fees. [Added 6-27-1975 by L.L. No. 12-1975; amended 11-30-2001 by L.L. No. 23-2001EN; 12-17-2002 by L.L. No. 4-2003EN]

An applicant may qualify for a reduced license fee in accordance with § 345-19E if the applicant's net business or related personal income from the home improvement contracting business does not exceed \$20,000 per annum, and further provided that such applicant is not incorporated. The Director may require such proof of eligibility under this provision as he may deem advisable and proper.

#### § 345-25. Licensing Board. [Added 10-26-1982 by L.L. No. 25-1982]

A. Board. The County Executive, with the approval of the legislative body,

shall appoint a seven-member Home Improvement Contracting Board to serve for a three-year term. Said Board shall determine the fitness of applicants for a home improvement contracting license and shall investigate and report on all proposed suspensions or revocations of licenses as hereinafter provided. Said Board shall be composed of individuals having a personal knowledge and interest in home improvement contracting, such as representatives of labor, management, trade or professional associations, and appropriate representatives of government. A Licensing Director shall be appointed by the Director and shall serve as secretary of the Board. The Director shall serve as a nonvoting ex officio member of such Board. [Amended 12-17-2002 by L.L. No. 4-2003EN]

B. For the initial appointment only, three members of the Board shall be appointed for three-year terms, two members for two-year terms and two members for one-year terms. All appointments thereafter shall be for a three-year term.

C. Compensation. Each member of the Board shall be compensated at the rate of \$100 for each official thereof attended in pursuance of the duties of said Board but not more than \$1,500 in any calendar year. [Amended 11-25-1997 by L.L. No. 25-1997]

NOTE: Local Law No. 25-1997 also provided as follows:

Section 1. Legislative intent.

This Legislature hereby finds and determines that currently there is no amount of compensation paid to the members of the Licensing Board governing home improvement contractors and this lack of compensation does not adequately represent the true worth of attending these meetings.

Therefore, the purpose of this amendment is to amend § 345-25 of the Suffolk County Code to establish the amount of compensation for members of the Licensing Board governing home improvement contractors at \$100 per meeting.

D. Powers and duties. The Licensing Board shall have the following powers and duties:

- (1) To hold meetings at regular times and places for the efficient discharge of the responsibilities and duties of the Board.
- (2) To make rules for the conduct of its meetings and to keep a minute book

of its proceedings, including a record of its examinations and other official actions.

(3) To examine the qualifications and fitness of applicants applying for licenses under this article.

(4) To authorize the Director to issue a home improvement contracting license. [Amended 12-17-2002 by L.L. No. 4-2003EN]

(5) To conduct meetings and, after a hearing at which all interested parties are afforded a sufficient opportunity to be heard, submit recommendations to the Director relating to the suspension or revocation of home improvement contracting licenses for cause. [Amended 12-17-2002 by L.L. No. 4-2003EN]

(6) To keep records of licenses issued, suspended or revoked and to make such records available for public inspection.

(7) To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring the same.

(8) To formulate and recommend to the County Legislature, for adoption or amendment, a code of rules governing home improvement contracting, including the materials, workmanship and manner of executing such work. Before making such recommendations, the Board shall confer and meet with the representatives of the home improvement contracting industry and hold a hearing on the proposed rules. Reasonable prior notice of the time and place of such hearing shall be given by publication in the official newspapers of the county.

(9) To formulate and recommend to the County Legislature, for adoption or amendment, rules and standards for the issuance, suspension and revocation of licenses and identification cards, including the conditions for the issuance of same, the type of examination required, the terms and fees and the conditions upon and the circumstances under which the same may be revoked or suspended.